

Article - Education

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§3–201.

(a) (1) In this subtitle, “elected member” means a voting member elected under subsection (d) or (e) of this section or a member appointed to an elected position on the county board under subsection (e)(3) of this section.

(2) “Elected member” does not include the nonvoting student member selected under subsection (f) of this section.

(b) The Allegany County Board consists of:

(1) Five elected members; and

(2) One nonvoting student member, who is to advise the other members of the county board on the viewpoint of students who attend Allegany County public schools.

(c) An individual nominated for membership as an elected member on the county board shall be a qualified voter and a resident of Allegany County for at least 1 year before the election.

(d) The elected members of the Allegany County Board shall be elected:

(1) At a general election as required by this subsection or as provided under subsection (e) of this section; and

(2) From Allegany County at large.

(e) (1) Each elected member serves for a term of 4 years beginning on January 2 after the member’s election and until a successor is elected and qualifies. If January 2 is a legal holiday, the term begins on the first day after January 2 that is not a legal holiday.

(2) The terms of elected members are staggered as required by the terms of the members serving on the county board on July 1, 1978.

(3) Except as provided in paragraph (4) of this subsection, the Allegany County Commissioners shall appoint a qualified individual to fill any vacancy in an elected member’s position on the board for the remainder of that term and until a successor is elected and qualifies.

(4) If a vacancy occurs before the date that is 10 days prior to the filing deadline for candidates for the primary election that is held in the second year of the term, the individual appointed under paragraph (3) of this subsection shall serve only until a successor is elected by the voters at the time of the next general election.

(5) Candidates for the vacated office may be nominated at a primary election in the same manner as for any other position on the county board.

(6) When more than one member of the board is to be elected at an election and the terms of the offices to be filled at the election vary, the elected candidate receiving the greater number of votes shall fill the office with the longer term.

(7) The candidate receiving the vacated position shall take office as soon as possible after the election, and shall continue to serve for the remainder of the vacated term and until a successor is elected and qualifies.

(8) Except as provided in this subsection, an election to fill a vacancy on the Allegany County Board of Education shall be governed by §§ 8–801 through 8–806 of the Election Law Article.

(9) The Allegany County Board of Supervisors of Elections may adopt regulations to implement this subsection.

(f) (1) The nonvoting student member of the county board shall be:

(i) A twelfth grade student, in good standing, and regularly enrolled in an Allegany County public school;

(ii) A resident of Allegany County for at least 2 years; and

(iii) Of good character.

(2) The nonvoting student member shall be nominated and elected for a 1–year term during the school year prior to the school year that the member is to serve on the county board in accordance with procedures adopted by the Allegany County Association of Student Councils.

(3) If a vacancy occurs in the student member’s position before the end of the term, a qualified student shall be selected for the remainder of the term in accordance with procedures of the Allegany County Association of Student Councils.

(g) (1) The State Board may remove an elected member of the county board for:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Incompetency; or
- (iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges and give the member an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10-day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of the removal by the Circuit Court for Allegany County.

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